

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION**

IN RE HELEN RACANELLI

Debtor.

X

Case No. 16-22617-rdd

HELEN RACANELLI

Plaintiff,

V.

BANK OF AMERICA, N.A., NATIONSTAR
MORTGAGE LLC, U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR GSAA
HOME EQUITY TRUST 06-00019, ASSET-
BACKED CERTIFICATES, SERIES 06-00019,
AND RECONTRUST

Defendants.

**STIPULATION OF PARTIAL
DISMISSAL (AGAINST DEFENDANTS
BANK OF AMERICA, N.A. AND
RECONTRUST COMPANY, N.A.
ONLY)**

X

Debtor/Plaintiff Helen Racanelli (“Plaintiff”), by and through her counsel, Tirelli & Wallshein, Ltd., and defendants Bank of America, N.A. (“BANA”) and ReconTrust Company, NA (“ReconTrust,” and together with BANA, the “Defendants”), by and through their counsel, Winston & Strawn LLP, hereby represent as follows:¹

WHEREAS, on November 29, 2016, Plaintiff commenced the above-captioned adversary proceeding (the “Adversary Proceeding”) by filing a complaint (the “Complaint”); and

WHEREAS, on January 20, 2017, Defendants filed a motion to dismiss the Complaint (Doc. 12); and

¹ Plaintiff and Defendants together are referred to herein as the “Parties.”

WHEREAS, on July 24, 2017, the Court entered its order granting in part and denying in part, Defendants' motion to dismiss and allowing Plaintiff until August 10, 2017 to file a motion for leave to file an amended complaint (Doc. 28); and

WHEREAS, by stipulation filed on August 2, 2017 (Doc. 30), Plaintiff and Defendants agreed to extend the time for Defendants to answer or otherwise move with respect to the Complaint through and including August 25, 2017; and

WHEREAS, the Parties have negotiated a consensual dismissal of Defendants from the Adversary Proceeding;

WHEREFORE, the undersigned hereby stipulate and agree to the following:

1. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of Plaintiff's claims against BANA and ReconTrust in the Adversary Proceeding.

2. The Parties reserve all rights, claims and defenses that they may have, and entry into this Stipulation shall not impair or otherwise affect such rights, claims and defenses. Nothing contained in this Stipulation can or shall be construed as an adjudication on the merits of claims that the Parties may have against each other or any other party, or as an admission or acknowledgement of any claim or defense as against the other by either Party.

3. Plaintiff may serve any discovery subpoenas or trial subpoenas, for this Adversary Proceeding only, on BANA or ReconTrust through Winston & Strawn LLP. BANA and ReconTrust reserve their right to object to such subpoenas as may otherwise be permitted by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Local Bankruptcy Rules for the Southern District of New York.

4. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and

the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

DATED: White Plains, New York
August 25, 2017

TIRELLI & WALLSHEIN, LTD.

By:/s/ Linda M. Tirelli

Linda M. Tirelli
Westchester Financial Center
50 Main Street, 10th Floor
White Plains, New York 10606
Telephone: (914) 682-2064
Attorneys for Plaintiffs

DATED: New York, New York
August 25, 2017

WINSTON & STRAWN LLP

By:/s/ Heather Elizabeth Saydah

Heather Elizabeth Saydah
200 Park Avenue
New York, NY 10166
Tel (212) 294-5312
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*Attorneys for Defendants Bank of America, N.A.
and ReconTrust Company, N.A.*

IT IS HEREBY SO ORDERED.

Dated: _____

Robert D. Drain
United States Bankruptcy Judge

AFFIRMATION OF SERVICE

I, Heather Elizabeth Saydah, declare under penalty of perjury that I served a copy of the attached Stipulation of Partial Dismissal upon all other parties in this case by CM/ECF.

Dated: New York, NY
August 25, 2017

By:/s/ Heather Elizabeth Saydah
Heather Elizabeth Saydah, Esq.